

Jan 26, 2018

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

KELLY VICK,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

NO: 1:16-CV-3209-RMP

ORDER ADOPTING REPORT AND
RECOMMENDATION

BEFORE THE COURT is United States Magistrate Judge Mary K. Dimke's Report and Recommendation, ECF No. 23, to grant Plaintiff Kelly Vick's Motion for Summary Judgment, ECF No. 20, and deny the Commissioner of Social Security's Motion for Summary Judgment, ECF No. 22. Having reviewed the Report and Recommendation, and there being no objections, the Court **ADOPTS** Judge Dimke's Report and Recommendation, **ECF No. 23**, in its entirety.

Accordingly, **IT IS HEREBY ORDERED:**

1. Plaintiff's Motion for Summary Judgment, **ECF No. 20**, is **GRANTED IN PART**. Consistent with the analysis of the Report and

1 Recommendation, the Court denies Plaintiff's request for an immediate
2 award of benefits. *See* ECF No. 23 at 28–29.

3 2. Defendant's Motion for Summary Judgment, **ECF No. 22**, is
4 **DENIED**.

5 3. This matter shall be **REMANDED** to the Commissioner for
6 additional proceedings consistent with this Order and the adopted Report
7 and Recommendation, ECF No. 23, including reconsidering Plaintiff's
8 symptom complaints and, if necessary, further developing the record
9 regarding the effect of Plaintiff's symptoms on her ability to perform work
10 activity during the relevant period.

11 4. Judgment shall be entered for Plaintiff.

12 The District Court Clerk is directed to enter this Order, enter judgment as
13 outlined above, provide copies to counsel, and **close this case**.

14 **DATED** January 26, 2018.

15 *s/ Rosanna Malouf Peterson*
16 ROSANNA MALOUF PETERSON
17 United States District Judge
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